CHAPTER XIII.

ABKÁRI.

"There was a Persian tyrant who having committed some horrible atrocity in one of his fits of drunkenness, ordered all the wine in his dominions to be spilt as soon as he became sober and was conscious of what he had done: and in this he acted rightly under a sense of duty as well as remorse, for it was enjoining obedience to a law of his religion, and enforcing it in a manner the most effectual. But a Christian Government which, because drunkenness is a common sin, should prohibit all spirituous liquors, would by so doing subject the far greater and better part of the community to an unjust and hurtful privation: thus punishing the sober, the inoffensive, and the industrious for the sake of the idle, the worthless, and the profligate."—SOUTHEY.

Abkári is defined by Wilson as "the revenue derived from duties levied on the manufacture and sale of inebriating liquors, and on intoxicating drugs, whether in substance, infusion, or extract."

It is unfortunately impossible to deny that our Government has by its removal of restrictions caused a great increase of drunkenness among the people of this country. Yet every one who has read Indian History knows that there was no such thing either under Mussulman or Marathi governments as strict abstinence from liquor; on the contrary many instances of the prevalence of habitual drunkenness among the highest classes may be easily quoted. But it has been left to our Government to bring within the reach of all intoxicating drinks, the use of which is said by Elphinstone to be so little of a natural propensity among the natives of this country that the absolute prohibition of spirits which used to exist in most native states was sufficient to keep down drunkenness. The use of spirituous liquors was under the last Peshwas forbidden at Poona and discouraged everywhere else, and the abkári duties of the State did not yield above Rs. 10,000.* Elphinstone recommended that the abkári should be kept in its existing low state by prohibitions or by very heavy taxes, but it need scarcely be said that his advice has not been followed.

* Elphinstone's Minute, p. 30.

The abkári system in this Presidency varies very much in different districts. The difficulties are greatest in the Tanna and Surat districts where the great numbers and spontaneous growth of toddy-producing trees render it easy for any one to make his own liquor. In the districts in Guzerat and others where Mowra trees are common, there is also a good deal of difficulty, but in the Deccan, where, generally speaking, the liquor-producing material has to be imported, the system is comparatively simple. The sudder distillery system is only in force in a few districts: elsewhere the right to distil and the licenses for retail shops are sold by auction, generally y ear by year.

All matters relating to abkári are now placed under the Commissioner of Customs, to whom Collectors refer instead of, as formerly, to the Commissioners of divisions.—*G. R. No.* 1567, *March* 27, 1878.

1. **Abkari revenue.**—The following are the sources of Abkári Revenue in this Presidency:—

Fees charged on the manufacture and sale of spirits from Sudder distilleries.

Proceeds of auction-sales of the right to manufacture and sell spirits or toddy at a distance from Sudder distilleries.

Fees on shops for the sale of foreign spirits, toddy, and the juice of cocoanut-trees.

Fees for the privilege of extracting juice from trees.

Fees for the privilege of selling poisons and intoxicating drugs, and of manufacturing and selling intoxicating preparations therefrom, as well as from grain, &c.

Sale-proceeds of opium.

Fines for breach of the Abkári laws.—*G. R. No.* 466, *Feb.* 7, 1867.

2. Money realized by the sale of spirit-licenses throughout the Presidency forms an item of imperial revenue, and special appropriations to particular funds cannot therefore be sanctioned except by the Government of India, and the levy of the Local Fund one-anna cess or of Municipal taxes on liquor contractors cannot be allowed.—*G. R. No.* 4891, *Dec.* 9, 1864, *and G. of I. No.* 617, *Jan.* 27, 1873.

3. **Moral principles.**—[The following excellent orders have never been cancelled, but it is needless to say that they are not now acted upon, if indeed they ever were]:—

It cannot be too strongly urged upon the Collectors that the object which Government has in view is to restrain, and if possible to correct and diminish, the total actual consumption of spirituous liquors, whether clandestine or licensed, being fully persuaded that any amount of revenue that may be lost by the efficiency of the system for this end will be repaid a hundredfold in the preservation and advancement of moral feelings and industrious habits among the people.—*G. R. No.* 3459, *Sept.* 17, 1838.

Government would very willingly relinquish all revenue from this source could it thereby abate the increasing vice of drunkenness. This however being impracticable, the next object of Government is to check it by enhancing the price of intoxicating liquors.—*Govt. Letter No.* 2065, *June* 22, 1844.

It is impossible to prevent the consumption of liquor, both because in moderation and under due control the consumption is not prejudicial, and because in the experience of all governments the smuggler under a system of prohibition baffles the excise officers. The object should be to raise the tax to that height which will most enhance the price without offering to the smuggler a reward sufficiently high to induce him to run the risk of smuggling.—*Thomason's Directions for Collectors in the N. W. P.*

4. **Powers of Officers.**—Under Section 6, Clause 2, of the Bombay Abkári Act, 1878, every Assistant and Deputy Collector in charge of a Huzúr Station or sub-division of a District, and every Mámlatdár, Mahálkari and Aval Kárkún having Magisterial powers, are, within the limits of their respective charges, hereby vested, under the general control of the Collector, with powers under Section 13, Section 36, Section 37, Section 40 and Section 45 (a) of the Act.

All Police Officers are also hereby invested with powers under Section 37, and all Police Officers above the grade of a Head Constable with powers under Section 36 of the Act.—*Govt. Notif. No.* 5759, *Nov.* 8, 1878.

In exercise of the power conferred by para. 2, Section 6, of the Bombay Abkári Act, 1878, the Governor in Council is pleased (*a*) to invest the Collector of Salt Revenue with all the powers, and to

impose upon him all the duties of a Collector in respect of every distillery directed by Government to be under the control of the Salt Department; and also to invest (*b*) the Superintendent of the Coast Guard Service, all Coast Guard and Land Frontier Inspectors, all Sarkárkúns of Tálukas, with powers under Section 36, and all officers of the Salt Department with powers under Section 37 of the said Act; (*c*) the Deputy and Assistant Collectors of Salt Revenue, within the limits of their respective charges, with powers under Sections 33, 36, 37 and 40 of the said Act; (*d*) every Assistant Collector of Salt Revenue within whose range there is any such distillery as aforesaid, with powers under Section 13 of the said Act; and (*e*) every supervisor of any such distillery with powers under Sections 13, 33, 36 and 37, of the said Act.—*Govt. Notif.*, *No.* 2127, *April* 24, 1879.

In exercise of the power conferred by Section 6 of the Bombay Abkári Act, 1878, Government are pleased to invest the following Officers with the power, to the extent hereinafter mentioned, of giving special orders under para. 2 of Section 17 of the said Act, within the limits of their respective charges, for the occasional sale of country liquor or intoxicating drugs in excess of such limit as shall from time to time be prescribed by Government under para. 1 of the said section:—

	Quantities for which special orders may be given.	
	Country Liquor.	Intoxicating Drugs.
Police Patels, specially nominated by the District Magistrates to whom they are subordinate for the exercise of such powers.	Not exceeding 8 gallons.	Not exceeding 100 tolas.
Mámlatdárs, Máhálkaris (or, in the absence of Mámlatdárs or Máhálkaris, their first Kárkuns), Chief Constables and Abkári Inspectors.	Not exceeding 20 gallons.	Not exceeding 250 tolas.
Assistant and Deputy Collectors, Cantonment Magistrates, Superintendents and Assistant Superintendents of Police, and the Commissioner and Deputy Commissioner of Police of Bombay.	Any quantity.	Any quantity.

—*Govt. Notif. No.* 4087, *Aug.* 5, 1879.

Under Section 5 of the Bombay Abkári Act, 1878, His Excellency the Governor in Council is pleased to appoint the Political Superintendent, Thar and Párkár, and the Superintendent, Upper Sind Frontier, to exercise the powers and perform the duties of a Collector under the said Act within the districts under their charge. —*Govt. Notif. No.* 4196, *Aug.* 13, 1879.

Government are pleased to invest the Forest Officers with the following powers under the Abkári Act:—

Conservators, Deputy and Assistant and Sub-Assistant Conservators	With the powers under Sections 36 and 37.
Forest Rangers	
Foresters.....	
Forest Guards	With the powers under Sec. 37.

—*G. R. No.* 4510, *Aug.* 27, 1879.

In exercise of the power conferred by Section 6 of the Bombay Abkári Act, 1878, Government are pleased to invest the following Officers with the power, to the extent hereinafter mentioned, of issuing permits under Section 13 of the said Act for the transport or removal of country liquor or intoxicating drugs from any place within the limits of their respective charges:—

	Quantities for which Permits may be given.		Places for transport or removal to which Permits may be given.
	Country Liquor.	Intoxicating Drugs.	
Police Patels, specially nominated by the District Magistrate to whom they are subordinate for the exercise of such powers.	Not exceeding 8 gallons.	Not exceeding 100 tolas.	Any place in the same táluka.
Mámlatdárs, Mahálkaris (or in the absence of Mámlatdárs or Mahálkaris, their first Kárkuns), Chief Constables and Abkári Inspectors.	Not exceeding 20 gallons.	Not exceeding 250 tolas.	Any place in the same district.
Assistant and Deputy Collectors, Cantonment Magistrates, Superintendents and Assistant Superintendents of Police and the Commissioner and Assistant Commissioner of Police, Bombay.	Any quantity.	Any quantity.	Any place.

—*Govt. Notif. No.* 5266, *Oct.* 1, 1879.

His Excellency the Governor in Council is pleased to invest Abkári Inspectors and Sub-Inspectors with powers under Sections 36 and 37, and Abkári Police with powers under Section 37 of the Abkári Act of 1878.—*Govt. Notif. No.* 5379, *Oct.* 7, 1879.

Government are pleased to direct the addition of the words "or in Sind, Tapádárs," after the words "Police Patels" in Government Notifications No. 4087, dated 5th August 1879, and No. 5266, dated 1st October 1879, issued under Section 6 of the Bombay Abkári Act, 1878.—*Govt. Notif. No.* 1486, *Mar.* 22, 1880.

With reference to Notification No. 5759, dated 8th November 1878, published at page 708 of Part I. of the *Bombay Government Gazette* for 1878, the Governor in Council is pleased, in exercise of the power conferred by Section 6 of the Bombay Abkári Act, 1878, to invest all Police Patels with powers under Section 37 of the said Act.—*Govt. Notif. No.* 5048, *Sep.* 24, 1880.

His Excellency the Governor in Council is pleased to invest all Police Patels with powers under Section 36 of the Bombay Abkári Act 1878.—*Govt. Notif. No.* 1925, *Mar.* 22, 1882.

Powers under Secs. 6 and 7 of the Abkári Act of 1878 have been delegated by the Abkári Commissioner to Collectors under Sec. 8 subject to his general instructions.

5. **Transport and Possession.**—No country liquor exceeding in quantity one gallon or 6 reputed quart bottles, and no intoxicating drug exceeding in quantity half an Indian seer or 40 tolas, shall be sold by retail to one and the same person in the aggregate on any one day, or be possessed by any person without license or permit obtained from a competent authority under the Act.—*Govt. Notif. No.* 6597, *Dec.* 21, 1878.

[The above does not apply to the districts of Surat, Thana, Kolába, Ratnágiri, and Kánara.]

Within the limits of the districts of Surat, Thána, Kolába, Ratnágiri, and Kánara and of the Island of Bombay, no toddy exceeding in quantity four Imperial gallons shall be sold to one and the same person in the aggregate on any one day, or be possessed by any person, without license or permit obtained from a competent authority under the said Act.—*Govt. Notif. No.* 2126, *Apr.* 21, 1879.

In exercise of the power conferred by Section 12 of the Bombay Abkári Act, 1878, His Excellency the Governor in Council is pleased to direct that no toddy shall be transported into the city of

Surat from outside the walls of that city, except on payment of a duty to Government under Section 19, of annas 3 pies 9 per maund.—*Govt. Notif. No.* 4093, *Aug.* 5, 1879.

In exercise of the power conferred by Section 12 of the Bombay Abkári Act, 1878, His Excellency the Governor in Council is pleased to prescribe in the following table the maximum quantity of country liquor which may be transported or removed from one place to any other place without a permit :—

Kind of Liquor.	If transported or removed,		Maximum quantity which may be transported or removed without a Permit.
	From	To	
1. Country liquor of every kind.	Any place within the island of Bombay.	Any place without the same or *vice versa*;	One quarter of a pint.
2. Ditto	Any place within the local limits of any farmer of Abkári revenue's farm.	Any place without such limits, or *vice versa*;	Ditto.
3. Ditto	Any place	Any other place or local area for the protection of the Abkári Revenue, of which the Commissioner deems it necessary that such transport or removal should be so restricted, and has caused a public notice to be given of such restriction;	Ditto.
4. Toddy.....	Any place without the walls of the City of Surat.	Any place within the same;	One quarter of a pint.
5. Do. except unfermented toddy in transport from the place where it is drawn to the place where it is to be licitly disposed of.	Any place within the limits of the districts of Surat, Thána, Kolába, Ratnágiri, Kánara and of the island of Bombay.	Any other place, within the limits of the said districts or island respectively, except as provided in No. 4 of this table;	Four gallons.

Kind of Liquor.	If transported or removed.		Maximum quantity which may be transported or removed without a Permit.
	From	To	
6. Country liquor of every kind except unfermentedtoddy in transport from the place where it is drawn to the place where it is to be licitly disposed of, and except in the districts and island mentioned in No. 5 of this table toddy of any other description.	Any place	Any other place, when no other item of this table is applicable.	One gallon or six reputed quart bottles.

—*G. Notif. No.* 5265, *Oct.* 1, 1879.

6. **Retail sale.**—The Government of India objects to the retail sale by Government officers of any sort of fermented liquor, spirit or drug. Government should interfere in the trade just so far as is necessary to enforce the taxation imposed by law and no further. If in any place the trade cannot be carried on consistently with the just demands of the State it must cease, and in such a case it is better to sacrifice excise revenue than that officers of Government should assume functions calculated to expose the policy of the State to misunderstanding.—*G. of I. No.* 3125, *May* 19, 1874.

7. **Rules for shops.**—The following are the rules under Act III. of 1852, Sec. I., which are generally in force:—

(1) The farmer or retailer to take out a pass for the removal of liquor from the manufactory to the shop, but no fee is to be paid for such pass.

(2) The privilege of selling imported foreign liquors is not to be put up to auction, but to be granted by the Collector, at a maximum fee of Rs. 50 for each license.

(3) The privilege of manufacturing and selling by retail country spirits, and also of selling imported country spirits, is to be sold by auction.

(4) Supplies of foreign spirits obtained by individuals for their own consumption and by regimental messes are not subject to the provisions of Act III. of 1852.

(5) At travellers' bungalow, hotels, &c., the time for selling liquor may be extended at the discretion of the Collector.

(6) The disposal of intoxicating preparations from bhang, ganja, opium, &c., is forbidden except where there are strong grounds for permitting the sale.—*G. R. No.* 7027, *Nov.* 25, 1852.

Rules for the Guidance of Revenue and Police Establishments for the efficient Supervision of Operations of Licensees for Retail Sale of Country Liquor.

I. The Mámlatdár and the Chief Constable of every táluka should each visit every shop for the sale of country liquor, situated in the táluka under his charge, and should test the strength of the liquor therein, at least once in 3 months, and should also take stock of the liquor in each shop and examine the accounts and permits.

II. In case the Mámlatdár is engaged with some other work or is on leave, his Head Kárkún should test the strength of liquor for him.

III. The examination should be made without any previous notice being given of the date on which it may be contemplated.

IV. To ascertain that the liquor sold is of the strength allowed by law or the license, the stock of liquor in each shop should be tested with a hydrometer.

V. It should be ascertained that the prices at which the contractor sells liquor do not exceed the limits (if any) prescribed in the license.

VI. They should accost at random any person purchasing liquor from the shop, and ascertain from him the price he paid for it; and by measuring the quantity and strength of the liquor purchased by him, find out whether or not the price paid has exceeded the limit prescribed in the license.

VII. They should enter the date of examination in, and should sign the "Visit Book" supplied to each shop by the Collector.

VIII. In order to enable the Mámlatdárs and Chief Constables to use the hydrometers, they will be supplied with such instruments. Directions for using the hydrometers accompany.

IX. If they find any liquor of a strength more than 5 degrees above or below that allowed, if any, by the terms of the license, it should be confiscated, and a report should be made to the Collector.

X. Every Mámlatdár and Chief Constable should send in a report every six months to the Assistant Collector, stating the number of shops he has examined in each quarter and the general result of such examination. If there should be anything worth reporting at the time of any visit, a special report should be made at the time of the visit.

XI. The "Visit Books" should be sent to the Assistant Collector at the end of the year for inspection, and the result of the examination forwarded to the Collector for transmission to the Commissioner. The hydrometer should be tested by Abkári Inspectors when an opportunity offers, as the gilt often wears off the Sykes' Hydrometer. If any inaccuracy is discovered, the correction should be made and given in writing to the holder of the instrument. When the hydrometer is found to be too inaccurate to be of use, it should be sent to the Collector.

XII. A list of prices at which the licensee is bound to sell liquor and an extract of the clauses of the Liquor License, the conditions prescribed in which Mámlatdárs and Chief Constables are required particularly to see duly carried out, are attached to these Rules.

XIII. As Sykes' Hydrometers are expensive articles, and as they will not be required at one and the same time by both the Mámlatdár and Chief Constable, it will be sufficient if one Sykes' Hydrometer with set of tables be kept in the Mámlatdár's kacheri and in his charge. If the Chief Constable should purpose visiting any shop for the purpose of testing the liquor, he should apply to the Mámlatdár for the loan of the instrument, and return it, when finished with, to the Mámlatdár. Record of such issue and return should be kept by the Mámlatdár.

Rules for Testing Spirit with Sykes' Hydrometer.

This hydrometer is a brass instrument with a stem on which are marked the figures 1, 2, up to 10—the spaces between the figures being divided into 5 parts of 2 decimals each. There are also weights marked 10, 20, 30, and so on up to 90. These are to be fitted on the lower part of the hydrometer. This instrument is

accompanied by a thermometer and a book, without which it cannot be used. There are many kinds of small cheap hydrometers without any book. Spirit cannot be accurately tested with these.

Rules.

I.—Take a sample of the spirit in a tall glass and at once immerse the thermometer in it for a few seconds and note to what figure the mercury in the thermometer rises. Then take the book and turn over to the page at the head of which that figure stands.

II.—Take the hydrometer and fit one of the weights. The weight numbered 60 will be the one most ordinarily required; but if it should cause the hydrometer to sink altogether into the liquid, then a lighter one (50 or 40) must be tried. On the other hand, if the hydrometer floats so high that the figure 10 on the stem is above the surface of the spirit then a heavier weight must be put on. When the hydrometer is floating steadily then note exactly to what figure on the stem the spirit rises and add this to the number of the weight. Suppose, for instance, the weight used was 60 and the hydrometer sinks to 7·49, then write down 67·4.

III.—Take the book and on the page at which you opened it as directed in Rule I., find out the figure you have obtained from the hydrometer; opposite this you will find the strength of the spirit. For instance, if the thermometer figure was 82°, and the hydrometer figure 67·4, then the strength of the spirit will be 23·2 under-proof.

IV.—Spirit is often sweetened with sugar to make it seem weaker than it really is. This can be detected by evaporating a small quantity of it in a saucer or any white porcelain dish over a lamp. The thick dark residue of burnt sugar cannot be mistaken.

V.—In using the small glass hydrometer set for a temperature of 83°, a thermometer should also be used with the table prepared for this purpose by the Chemical Analyser and circulated to all Abkári Inspectors.—*Commissioner of Abkári with G. R. No.* 5383, *Oct.* 12, 1880.

8. **Sale of foreign liquor.**—With reference to Rule (2) the fee for a license for the sale of imported foreign liquors is fixed at a maximum of Rs. 50, but where it was found that a cheap sort of foreign spirits was imported and the licensee thus enabled to compete with the retailers of country liquor, the fee for selling

foreign spirits was ordered to be raised by degrees to a maximum, if necessary, of Rs. 300.—*G. R. No.* 1963, *May* 29, 1866.

9. **Hours of closing.**—Collectors may, with the sanction of the Commissioner, allow shops to be kept open till lamp lighting time, or even till 8 P. M., if local circumstances render such extension advisable. But Government will not alter the general rule by which shops are to be shut at sunset.—*G. R. No.* 765, *Feb.* 24, 1860.

10. **New shops.**—The previous sanction of the Commissioner must be obtained for the establishment of any new shop, whether for country liquor or imported wines and spirits, and the Commissioners are to exercise a very strict supervision in this matter.—*G. R. No.* 4833, *Sept.* 28, 1871, *and No.* 1062, *March* 7, 1872.

11. **Rules for Cantonments.**—The sales of contracts for spirituous liquors in military cantonments are to be regulated by the Collectors in communication with the Cantonment Magistrates, subject to the control of the Commissioner. The interference of Commanding Officers of stations and of the Commander-in-Chief is restricted to measures regulating the *retail* sale of liquor in cantonment bazars, with the view of preventing European soldiers from obtaining spirituous liquors at any shop whatever, whether in the Native city or cantonment bazars.

Cantonment Magistrates, under the Collectors, are to be held strictly responsible for the revenue arrangements, with which Commanding Officers have nothing to do.—*From Qr. Mr. Genl. No.* 1532, *May* 29, *and G. R. No.* 2565, *June* 17, 1865.

12. All Cantonment Magistrates are appointed Deputy Collectors in order to enforce penalties for the breach of the Abkári laws.—*Govt. Gazette, July* 28, 1873.

13. The offence of smuggling liquor by sepoys into cantonments is punishable by Court-Martial only.—*G. of I. No.* 158, *June* 16, 1872.

14. **Shops near Cantonments.**—Although the interdiction of shops in the neighbourhood of military cantonments may not always be possible, the object of limiting their number and restricting them to localities not readily accessible to the soldiery should be constantly kept in view. The surveillance of all shops

within civil limits must remain with the Collector and the Police.—*G. R. No.* 3321, *Oct.* 9, 1858.

15. **Export by Railway.**—Spirits are not received or carried by the Railway authorities unless covered by a license from the Collector.

Collectors and the Police must proceed against parties endeavouring to export liquor by railway contrary to law.—*G. R. No.* 3662, *Aug.* 1, 1870.

16. **Sale at Railway Stations.**—Licenses for the sale of liquor at railway refreshment-rooms are granted to the Railway Agents in the name of the General Traffic Manager without the usual restriction "to be drunk on the premises," the conditions being added that wine, beer, and spirits, may be sold to the Company's European servants and other residents in the neighbourhood, and that no person is to be allowed to drink to intoxication in the refreshment-rooms. The issue of licenses to liquor-shops in the neighbourhood of railway stations is to be discouraged as much as possible.

The object of this arrangement is not only to ensure a proper supply of refreshments to travellers, but to check insobriety among the railway officials.—*G. R. No.* 1706, *July* 21; *No.* 4599, *Nov.* 8, 1865; *and No.* 1155, *April* 3, 1866.

17. **Distilleries near Stations.**—On the representation of the Agent of the G. I. P. Railway, the distillery at Kurjut was ordered to be removed to a distance of at least three miles from the railway station.—*G. R. No.* 3673, *Oct.* 29, 1867.

18. **Inam rights.**—Inamdars have no right to sell liquor or to grant licenses for its sale in their villages.—*G. R. No.* 3577, *Dec.* 26, 1834.

19. **Confiscations.**—

Rules made by the Commissioner of Abkári under Section 58 *of the Abkári Act,* 1878, *for the disposal of things confiscated under that Act.*

I.—Country liquor and intoxicating drugs confiscated in tracts in which monopolies of the retail sale of country liquor and of intoxicating drugs have been severally granted shall be destroyed.

II.—Liquor other than country liquor wherever confiscated, as well as country liquor and intoxicating drugs confiscated in tracts in which monopolies of the retail sale of country liquor and of intoxicating drugs have not been severally granted, shall be put up to auction and be sold to the highest bidder, if in the opinion of the officer ordering confiscation, the price offered is a reasonable price with reference to the ordinary retail selling price of such liquor or intoxicating drug in the neighbourhood in which the sale takes place. If the price offered is not reasonable, the liquor or intoxicating drugs shall be destroyed.

III.—Confiscated mowra flowers shall be sold only to persons licensed to manufacture liquor at prices to be fixed by the officer ordering confiscation. If the prices so fixed cannot be obtained, the mowra flowers shall be destroyed.

IV.—All articles confiscated other than the articles dealt with in the three preceding Rules shall be put up to auction and be sold to the highest bidder.

V.—All stills, and all implements and apparatus for the manufacture of liquor or intoxicating drugs shall be broken up, or otherwise rendered useless for such manufacture, previous to sale.

VI.—Whenever, under the operation of these Rules, liquor, or any other confiscated article, has to be destroyed, it shall be destroyed in the presence of the officer ordering confiscation, or of some other responsible officer whom he may depute.—*March* 29, 1879.

20. **Rewards.**—Under the provisions of Section 59 of the Bombay Abkári Act of 1878, His Excellency the Governor in Council is pleased to make the following rules:—

(1) Except in the Town and Island of Bombay it shall be in the discretion of the Magistrate trying the case to grant a reward, not exceeding one-half the proceeds of any fine imposed under the provisions of the Act, to any officer or other person whose conduct in connexion with the case may, in the opinion of the said Magistrate, entitle him to reward.

(2) In the Town and Island of Bombay, the Collector shall have the same discretion as regards rewards to be granted out of the proceeds of fines under the Act.

(3) It shall be in the discretion of the Collector to grant a reward, not exceeding half the proceeds of any confis-

cation adjudged under the Act, to any officer or other person whose conduct in connexion with the case may, in the opinion of the Collector, entitle him to reward.—*Gov. Notif. No.* 6506, *Dec.* 21, 1878.

21. **Abkári Contracts.**—It should be distinctly understood that in future when men of straw or inadequate means are accepted as sureties and any loss to Government results from the insufficiency of such security the officers accepting such sureties will be held personally responsible for any loss incurred.—*G. R. No.* 2608, *April* 21, 1882.

22. **Intoxicating Drugs.**—Under Section 27 of the Bombay Abkári Act, 1878, Government are pleased to issue the following orders concerning the levy of duties in respect of intoxicating drugs in the whole of the Presidency of Bombay (excepting Sind):—

(1) The duty leviable on account of a license for the joint privileges of manufacture and retail sale of intoxicating drugs shall be fixed by the Collector who, before granting any such license, shall put up the said privileges to auction. Bidders at the auction shall be called upon to bid the aggregate amount of duty which they are willing to pay for the privilege of manufacturing and the exclusive privilege of selling intoxicating drugs by retail at one or more shops within the local limits to which the auction extends. The auction should be held subject to confirmation by the Collector who should not bind himself to accept the highest or any bid, but the amount of the bid, if any, which he accepts, should be divided as nearly as possible into as many equal instalments as there are months in the period for which the said joint privileges are to be disposed of. The condition of sale and other details for the conduct of the auction should be settled from time to time by the Collectors under the orders of the Commissioner;

(2) No duty shall be leviable in respect of the sale of intoxicating drugs by a cultivator or owner of any plant from which such drugs are manufactured or produced, nor in respect of the wholesale sale of

intoxicating drugs by merchants or dealers, nor, except as aforesaid, in respect of the manufacture of intoxicating drugs;

(3) When a permit is granted for the import or export of any intoxicating drug, or for the transport of any such drug between two places not situated within the same district, duty shall be levied on the intoxicating drugs permitted to be so imported, exported or transported at the following rates viz.: —

	Rs.	a.	p.
if the amount does not exceed 10 Indian maunds.....	5	0	0
for every additonal 2 Indian maunds or fraction thereof	1	0	0

Provided that:—

(*a*) if in the course of one continuous transaction any intoxicating drugs have, after importation or before exportation, to be transported from one place to another within the Presidency of Bombay, or,

(*b*) if during the course of transporting any such drugs from one place to another within the said Presidency it is necessary to export and afterwards again to import the said drugs.

duty at the above rates shall be leviable once only, notwithstanding that separate permits for import, export and transport are granted;

(4) no duty shall be leviable in respect of intoxicating drugs permitted under Section 13 to be transported from one place to another situated within the same district.

2. Under Section 30 of the said Act the Governor in Council directs:

(1) that licenses, counterpart agreements and permits in respect of intoxicating drugs shall contain the particulars and be granted subject to the restrictions and conditions respectively set forth in the Forms* A. to G. hereto annexed;

(2) that licenses in Forms A. and B. shall be granted for a period of one year commencing on the 1st August

* *Vide* Appendix H.

in one year and ending on 31st July in the next following year; that permits in Forms D., E and G. shall be granted with validity for such periods as the officer granting the same shall in each case deem fit, but not exceeding, ordinarily, double the length of time actually necessary for the purpose for which the permit is granted; and that permits in Form F. may be granted for such period not exceeding six months as the officer granting them shall in each case deem fit;

(3) that no fee shall be charged for any license or permit issued in respect of intoxicating drugs.—*G. R. No.* 4421, *Aug.* 23, 1880.

Opium.

23. **Moral principles.**—The reason why Government interfere with the sale of opium is not with a view of obtaining revenue, but merely in hopes of restraining the use of a pernicious drug. Every endeavour should be used to prevent its introduction into places where it has not been previously used, and to limit its consumption in other places.—*Court of Directors No.* 19, *Dec.* 3, 1856.

24. **Supervision.**—It is the duty of the Commissioner of Opium to exercise an intelligent and active supervision over this important source of revenue, and to watch narrowly the consumption of excised opium in the several collectorates, and bring to the notice of Government instances where, considering the extent of the population and the known habits of the people, the amount of such licit consumption is clearly below what actually takes place. The adoption of measures to prevent the smuggling that prevails up-country should be suggested.—*G. R. No.* 4696, *Sept.* 22, 1871.

25. **Rules under the Opium Act.**—[The Rules under this Act (No. 1 of 1878) are exceedingly long, and the following are all that are likely to be required in general use]:—

In these rules "Collector" means any Revenue Officer in independent charge of a district, and, in the Town of Bombay, the Deputy Commissioner* of Customs and Opium: also any Assistant

* Now the Collector of Customs.

Collector, Deputy Collector, or Assistant Commissioner, duly authorized by such Collector or Deputy Commissioner to perform all or any of the duties imposed on a Collector by these Rules.

(2) The cultivation of the poppy and, except as provided in Rules 21, 35, 39, and 40, the manufacture of opium are prohibited within the Presidency of Bombay.

(3) Except as provided in Rules 4 and 5—

(i) No person shall have in his possession any opium not purchased from Government, or from a farmer or licensed vendor, or under Rule 32.

(ii) No person, not being a farmer or licensed vendor, shall have in his possession more than five seers of 'poppy heads' and ten tolas of any description of opium not being 'poppy heads.'

(4) Rule 3 does not apply to—

(i) Opium in transit covered by a permit under Rule 6.

(ii) Opium lawfully imported during transit to its destination, or when registered and deposited under the provisions of Rule 18.

(5) The Collector may grant (*a*) to any medical practitioner residing within his district a license for the possession of opium for medical purposes only; (*b*) to any person a special permit authorizing him, for a specified period, to have in his possession, for private consumption only, a specified quantity of opium in excess of ten tolas.

(6) The transport from one place to another within the Presidency of opium exceeding ten tolas in weight is prohibited, except under a permit, granted—(*a*) If from one place to another within the Town of Bombay, or from any place within to any place without the Town of Bombay, by the Deputy Commissioner. (*b*) If from any place outside the Town of Bombay to the Town of Bombay or to any other place in the Presidency, by the Collector of the place from which it is to be despatched.

Provided that for opium removed from a Government depôt to a retail-shop, a permit may be granted by the officer in charge of such depôt.

No permit for transport of opium imported for exportation shall be given except for whole or half chests.

(7) Except in the case of transport from one place to another within the Town of Bombay or within any District, no such permit shall be granted unless the applicant produces a written permission

to apply signed—(*a*) if transport to the Town of Bombay be applied for,—by the Deputy Commissioner; (*b*) if transport to any District—by the Collector of such district.

A copy of the permit granted shall be sent—In case (*a*), to the Deputy Commissioner; in case (*b*) to the Collector of the District to which the opium is to be transported.

(8) No package containing opium shall be opened during transport.

(9) The permit and the packages shall, on arrival, be presented for examination to the Collector. If, after examination the Collector concludes that the packages have not been opened or tampered with in transit, if their number is complete, and if they be found to be of the full weight specified in the pass (less such allowance for dryage as the Local Government prescribes) the packages may be dealt with by the owner as the law or these Rules allow, the permit being retained by the examining officer. Otherwise, they shall be detained and dealt with as the law or the orders of any authorized authority may direct.

(10) No opium shall be imported into the Presidency of Bombay except—

(*a*) booked through by railway for re-exportation to other parts of British India, or to Native States;

(*b*) for exportation by sea from the Port of Bombay;

(*c*) for retail sale by licensed vendors, in any district in which the direct importation of opium for such sale is sanctioned by the Local Government, and subject to any conditions which the Local Government may prescribe.

Provided that any opium imported for either of the purposes mentioned in (*b*) and (*c*) may, after it reaches its destination in this Presidency, and with the permission in writing of the Collector, be dealt with in any other way permitted by the law. But subject to any other conditions which the Local Government may prescribe in this behalf, the Collector shall not permit opium imported for exportation by sea from the Port of Bombay to be disposed of for consumption in the Presidency of Bombay or exported under Rule 26 until the difference between the duty already levied and that which would have been leviable if the opium had not been imported for exportation by sea from the Port of Bombay, has been paid. When the Collector permits opium not imported by sea from

the Port of Bombay to be dealt with as opium imported for exportation by sea from that Port, he shall refund the difference between the duty already levied and that which would have been leviable if the opium had been imported for exportation by sea from that Port.

(11) No opium shall be imported into the Presidency except by the following routes—

(*a*) by the Pálanpur-Ahmedabad State Railway direct to Ahmedabad;

(*b*) by railway, from Khandwa or via Palanpur and Ahmedabad;

(*c*) by sea, at the port of Bombay only;

(*d*) from Udaipur by Káya, Bárápal, Parsad, Rákhándes, Kherwara, Vichwara, Samera, Sámláji, Tintoi, Bákrol, Lembhoi, Dhakrol, Modhuka, Harsol, Ujdia, Dehgam, Naroda to Ahmedabad.—*Govt. Notification No.* 1367, *March* 16, 1880, *and No.* 6402, *Sept.* 15, 1882.

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(22) Opium imported under these Rules for exportation by sea may be so exported from the port of Bombay only at any time within two years from date of the pass.

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(26) Any person desiring to export opium from the Presidency into any Foreign State, or into any other part of British India, shall obtain a pass for each consignment, from the Collector of the District from which export is desired, or, in the Town of Bombay, from the Deputy Commissioner.

The pass shall specify—

The name of the person in charge of the consignment, and of the consignee, the number of packages and the weight and contents of each, and the destination of the consignment.

But no pass shall be granted unless the applicant produces a written permission to apply, signed by the Collector of the District, or the Political Officer of the Foreign State into which such opium is to be imported.

(27) The Collector may thereupon grant an export pass.

Each package shall be sealed in the presence of the officer granting the pass, and with his official seal.

(28) No Railway Company shall receive or convey opium not covered and accompanied by a permit or pass of an officer compe-

tent under there Rules to grant the same; or shall convey opium otherwise than direct, and in the custody of its own officers, to the station at which, according to the route prescribed in such permit or pass, it should leave the Railway.

(29) The bulk of a consignment of opium in the course of importation or exportation shall not be broken; and any Revenue officer not inferior in grade to a Mahálkari or any police officer not inferior in grade to a Head Constable, may at any time examine such consignment. If, after such examination, the officer is satisfied as in rule 9, para. 2, the consignment shall be allowed to proceed. Otherwise it shall be detained and disposed of according to law.

(30) Opium is sold "retail" when less than half a chest of 140 lbs. is sold in a single transaction. Otherwise it is said to be sold wholesale.

(31) No person shall sell any opium to any person not legally authorized to possess the same.

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(33) No person shall retail opium without a license. But medical practitioners licensed under Rule 5 may sell quantities, not exceeding in any one transaction, ten tolas as medicine or in medical preparations.

(34) No retail vendor shall sell more than ten tolas of the inspissated juice of the poppy, or of any preparation or admixture thereof, or of any intoxicating drug prepared from the poppy, or more than 5 seers of 'poppy-heads,' except to a licensed vendor or farmer, or to a medical practitioner or other person holding a special permit granted by the Collector under Rule 5, or under a special order from the Commissioner or a Collector.

(35) Licenses for the retail of opium or for the manufacture or retail of intoxicating drugs prepared from the poppy are granted for the Town of Bombay by the Deputy Commissioner, and for other parts of the Presidency by the Collectors.

(36) Whenever a license is granted for the retail of opium, the officer who grants it shall demand payments and impose in the license conditions on the licensee as prescribed by the Commissioner.

(37) Every such licensee shall execute a counterpart engagement for the due performance of all the conditions, and shall give such security for the performance of his engagement, or make such deposit in lieu of security, as the officer granting the license may require.

(38) Licenses for retail shall be granted for one year only, unless the Commissioner shall otherwise specifically direct.

(39) With the general or special sanction of the Commissioner the Collector may let in farm the right to retail opium or to retail or manufacture intoxicating drugs prepared from the poppy, in any local area under his control, for a term not exceeding five years. The Commissioner may prescribe Rules (*a*) for the invitation and acceptance of tenders for such farms, (*b*) for security for the fulfilment of their engagements by farmers, and (*c*) as to the form and conditions of such leases. Any breach of such engagement shall render the lease liable to annulment by the authority who sanctioned the farm.

(40) When any such farm is given, the farmer may make his own arrangements for the appointment of subordinate vendors, and for the manufacture of intoxicating drugs, within the limits of his farm and subject to the conditions of his lease, provided that no opium except that supplied from a Government depôt, or lawfully imported under clause (*c*), Rule 10, or otherwise lawfully obtained, shall be retailed or used in the manufacture of such drugs.

(41) Licenses to subordinate vendors or manufacturers as above shall be granted by the Collector as the Commissioner may prescribe.

(42) With the sanction of the Commissioner, the Collector may cancel any lease granted under Rule 39; or within the period of the lease, impose any new reservation or restriction on the farmer.

If any lease be cancelled for any cause but a breach of the conditions, or if any reservation or restriction with respect to the grant of licenses be imposed during the lease, the Commissioner shall award such compensation as he thinks reasonable to the farmer.

(43) If any licensed vendor or farmer have in his possession, on the expiry of his license or farm, opium which he is unable to dispose of, to the satisfaction of the Collector, by private sale to other licensed vendors or farmers, he shall surrender it to the Collector; and the incoming licensed vendor or farmer, or if the expired license or farm is not renewed, any licensed vendor or farmer within the district, when required by the Collector, is bound to purchase the opium to the extent of two months' supply, at such price and in such quantities as the Collector shall adjudge; provided that the price of the opium shall not exceed the rate at which it

can be procured from Government; and that, if such opium seem to the Collector unfit for use, he shall cause it to be destroyed.

* * * *

(46) Opium shall be issued from the Government depôts to licensed vendors at a price to be fixed and notified by the Local Government.

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(49) Opium confiscated under the Opium Act, shall be examined by the Collector, and, if declared by him to be fit for use, sent to the nearest depôt: otherwise it shall be immediately destroyed.

(50) If the opium so sent be sufficiently good for retail purposes, it shall be added to the stock at the depôt. But if it be of inferior quality, it may be issued to retail dealers at a special rate proportioned to its quality, but shall be subject in other respects to the same conditions as other opium.

(51) All property, other than opium, confiscated under the Opium Act, shall be sold under the orders of the Magistrate or other officer by whom it was confiscated.

(52) Any Magistrate convicting an offender under Section 9, or any officer ordering the confiscation of opium under Section 12 of the Opium Act, may grant, in such proportions as he thinks fit, to any person or persons who have contributed to the seizure of the opium or the conviction of the offender, a reward not exceeding the value of the opium and other articles confiscated in the case, *plus* the amount of any fine imposed; or may place such aggregate amount to be awarded at the disposal of the head of the department of which any officer or officers may have contributed to the seizure of the opium or the conviction of the offender, to be distributed by such head of the department in such proportions as he thinks fit among persons whom he may consider to be entitled to reward in connection with such seizure or conviction.

(53) In any case in which the Commissioner thinks that any person has performed any service of special merit in the prevention or detection of opium-smuggling or of any offence against the Act, he may grant him a reward not exceeding Rs. 500.

The Commissioner, or, with the sanction of the Commissioner, a Collector or the Collector of Salt Revenue may incur at his discretion expenditure not exceeding Rs. 500 in each case for the employment of informers or for any other purpose connected with the

prevention or detection of opium-smuggling or of any offence against the Act.

The Commissioner shall report to Government the circumstances under which any rewards have been granted or expenditure incurred under this rule.

(54) All Collectors shall, as regards any matter arising in the administration of these Rules, be subject to the general control of the Commissioner.

(55) The decision of the Collector as to the value of opium which has been seized shall be final.—*Notif. Feb.* 9, 1878.

In the interests of the public revenue it is desirable that rewards in cases of opium-smuggling should always be granted when fairly earned.—*G. R. No.* 273, *Jan.* 16, 1882.

27. **Seizures.**—Opium seizures effected by officers of the Salt Department are to be reported to Government by the Collector of Salt Revenue direct.—*G. R. No.* 4161, *Aug.* 6, 1874.

28. **Powers.**—The following officers are authorized to act, within the limits of their respective charges, under the sections of the Opium Act, 1878, hereinafter respectively named (namely) :—

Under Section 12, *paragraph* 3.

The Collector of Salt Revenue (so far as regards any opium or other thing seized by himself or by any officer subordinate to him.)

Under Section 14.

All officers of the Revenue Department invested with Magisterial powers, all Police Officers superior in rank to a Head Constable, all Sarkárkúns and Inspectors in the Departments of Opium and Abkári, the Collector, Deputy Collector and all Assistant Collectors of Salt Revenue, the Superintendent of the Coast Guard Service and all Coast Guard Inspectors, Frontier Inspectors, Sarkárkúns of Tálukas and Supervisors of Distilleries subordinate to the Collector of Salt Revenue.

Under Section 19.

The Collector, Deputy Collector and all Assistant Collectors of Salt Revenue.

Under Section 22.

All Collectors, Assistant and Deputy Collectors, Mámlutdárs, Mahálkaries, Mukhtiárkárs, Awal Kárkúns and Head Munshis.

Under Section 24.

All Assistant and Deputy Collectors, Mámlutdárs, Mukhtiárkárs and Mahálkaries.—*Govt. Notif. No.* 3578, *June* 20, 1879.

29. **Transport.**—Opium, the property of farmers licensed by His Highness the Gaekwar for the retail sale of opium in His Highness' territories, and intended for the supply of the said farmers' retail shops, may be imported into, and transported through, or exported from, British territory when taken direct from one or other of the depôts and sub-depôts mentioned in the margin under cover of permits issued and signed by a Naib Subha of a division or of a táluka of His Highness' territories to the retail shop at which it is to be sold.—*Govt. Notif. No.* 3723, *July* 15, 1879.

Depôts.	
Navsári.	Kadi.
Baroda.	
Sub-depôts.	
Viára.	Dehgám.
Velácha.	Pátan.
Ptad.	Kherálu.

30. **Retail Sale.**—Under the provisions of Section 10 (*c*) of the Rules under the Opium Act, 1878, the direct importation of opium from Malwa into the Districts of Ahmedabad, Kaira, and the Panch Mahals for retail sale in the said districts by persons duly licensed in each respective district to retail opium, is permitted subject to the following conditions :—

(*a*)—All opium so imported shall be subject to the rate of duty notified from time to time under Section 6 of the Opium Act, 1878, to be leviable on opium imported into the Presidency of Bombay for consumption therein, and payment of the duty leviable thereon shall be made in accordance with the provisions of the rules made under Section 5 of the Opium Act, 1878.

(*b*)—All opium so imported shall, on arrival, be deposited in the places specified below :—

Opium for Ahmedabad District—In the Stamp Depôt under the Huzúr Deputy Collector, Ahmedabad.

Opium for Kaira District—In the Government Treasuries at A'nand, Thásra, Nadiád, and Kaira.

Opium for the Panch Mahals—In the Government Treasury at Godhra.

(*c*)—Opium deposited as aforesaid will remain there at the risk of the importers, who shall be at liberty to keep it in their own boxes and under their own keys and seals, and to remove it to their shops at such times as the Collector may determine, and in such quantities at a time as they may require for use, not being less than the minimum quantity to be fixed by the Collector; they shall not be entitled to have access to the place of deposit except during office hours, nor without special permission of the Collector or other officer duly empowered by the Collector to grant such permission.

(*d*)—The quantity of opium to be removed from the place of deposit shall, on each occasion, be presented to the officer in charge of the place for weighment and registration, and shall be covered by a pass in the Form C. attached to the Rules.

2.—Persons duly licensed to retail opium in any of the aforesaid three districts are further permitted to supply themselves with opium by purchase direct from wholesale dealers in Bombay, provided that such purchase shall be by whole or half chest only, that the permission required by the proviso to Section 10 of the Rules be in every case obtained, that the passport under which the opium was originally imported be produced before the Collector of Customs and Opium, Bombay, for endorsation and cancellation to the extent of the number of chests and half chests purchased, that the differential duty, if any, leviable on the opium under the proviso to rule 10 aforesaid be paid and that the opium so purchased be forthwith transported to its destination and lodged for issue in the same manner as if it had been imported direct from Malwa.—*Govt. Notif. No.* 5214, *Oct.* 2, 1880, *and No.* 8157, *Nov.* 21, 1882.

31. **Accounts.**—A statement, prepared in the subjoined form with columns for 12 months, should be submitted regularly every month showing, in the appropriate monthly column, the exact amount of sales effected in each táluka. The statement will, after inspection by Government, be returned to the Collector, who will send it up again in the following month with the sales of the previous month duly filled in.

No column has been set apart for showing the number of shops in each táluka; but should it be necessary to account for any increase or decrease in their number the information should be supplied by a foot-note to the statement.

Statement showing the quantity of Opium sold by Licensed Vendors in the Collectorate of during the year 1881.

Tálukás.	Jan.	Feb.	Mar.	Apr.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.
	Quantity.	Quantity.	Quantity.	Quantity.	Quantity.	Quantity.	Quantity.	Quantity.	Quantity.	Quantity.	Quantity.	Quantity.

—*G. R. No.* 963, *Feb.* 15, 1881.

In accordance with the recommendation of the Commissioner of Customs, Salt, Opium and Abkári, and the opinion of the Mint Master, 38$\frac{5}{8}$ tolas should in future be considered to constitute one pound, avoirdupois, for the purposes of opium accounts.—*G. R. No.* 5955, *Nov.* 7, 1879.

32. **Smuggling.**— * * *

"2. When opium smuggled from another Province is seized and a prosecution has resulted in the conviction of the person in possession of the drug, a report embodying the name of the person or persons accused, together with the depositions of the informers and the persons accused, or other suitable information with especial reference to the manner in which, from whom, and from what place, the opium was obtained, should be forwarded immediately to the Local Government or Administration within whose jurisdiction the drug is alleged to have been procured and to the Government of India in the Department of Finance and Commerce. The Local Government or Administration receiving the report should see that the case is actively followed up, and that every endeavour is made to trace and bring to justice the cultivators or other persons by whom the opium was illicitly sold.

"3. With regard to the smuggling of local opium detected locally, the Government of India should be furnished with a special report of each important case discovered.—*G. of I. No.* 196, *April* 13, 1882.

33. The Opium Act does not limit the application of the Code of Criminal Procedure and opium can be searched for under Section 379* of that Code in the same way as any other articles, provided that the conditions laid down in the section are satisfied.—*G. R. No.* 7588, *Nov.* 13, 1880.

The suppression of opium-smuggling is one of the most important duties of the police.—*G. R. No.* 1424, *March* 3, 1881.

When opium is smuggled from a Native State, an immediate report of the facts of the case should be made to the Government of India in the Department of Finance and Commerce, and to the Agent to the Governor-General or Resident, to whose charge the Native State concerned pertains. The Agent to the Governor-General or Resident, as the case may be, will adopt such measures for the prevention of smuggling in future as may, under the circumstances of the case, be expedient and in accordance with any instructions on the subject issued by the Foreign Department.—*G. of I. No.* 3119, *Aug.* 12, 1882.

Petty cases of opium-smuggling should be reported to the Government of India in the following form. Copies of proceedings in such cases need not be submitted.—*G. of I. No.* 3415, *Dec.* 29, 1882.

Statement showing the particulars regarding opium smuggled into the District from other provinces.

No. of case.	Name and Designation of Trying Magistrate.	Names of accused persons.	Opium how and from what place obtained.		Date of trial by the Magistrate.	On what date decided.	Conviction and sentence.
			As ascertained from the depositions of the informers or other witnesses.	As stated by the accused.			

Vide Section 165, Act X. of 1882.

34. **Sale of Poisons.**—The right to sell poisons under Bombay Act VIII. of 1866 cannot be put up to auction.—*G. R. No.* 316, *Jan.* 24, 1867.

[Fees received for the right of selling poisons are, under Sec. 10, Bombay Act VIII. of 1866, credited to Municipal or Local Funds, and thus differ from other items of the Abkári revenue.]